

Montgomery County Commissioners Meeting
February 17, 2004 ~ 6:00 p.m.
Chairman – William D. Maness “Billy”
Vice-Chairman – Dolon W. Corbett
Commissioner - Sally M. Morris
Commissioner – R.C. Bostic
Commissioner – George H. Knight, Jr.
County Manager – Lee Matthews
Clerk – Laura B. Morton
County Attorney – Russell J. Hollers

The Montgomery County Board of Commissioner’s met in regular session on Tuesday, February 17, 2004 at 6:00 p.m. in the Montgomery County Commissioners’ Room. All board members were present. *Chairman Maness called the meeting to order and the following was heard:*

Rev. Harold Pope, pastor of Family Worship Ministries gave the invocation.

Approval of Minutes

In a motion made by Commissioner Corbett, seconded by Commissioner Knight, and so the motion carried unanimously to approve the minutes for the last meeting.

Public Forum

Rev. Harold Pope appeared before the board inviting the board to be guests on WJRM, Montgomery County’s Christian Voice. WJRM is the county’s local radio station. He handed the board a list of questions that would be asked and said it could be taped at any time and then aired, or members could be on the radio live, whatever they wanted to do. Chairman Maness asked Mr. Matthews to put this on the next agenda.

Sue Roark, Joe Reynolds, and Ken Lowder from Uwharrie Environmental presented the annual donation of \$75,000 to the County Commissioners.

Cathy Latham – Westside Search and Rescue – Ms. Latham was not present.

Elmer Capel, Jr. appeared before the board requesting the board put the Dry Creek Community on the next agenda to discuss its water needs. He said a neighbor lost his house on January 21st, the water ran out. Mr. Capel said he feels like chickens have been given higher priority than people. Chairman Maness asked Mr. Matthews to put this on the next agenda.

Board of Health Appointment

In a motion made by Commissioner Bostic, seconded by Commissioner Corbett and so the motion carried unanimously to appoint Dr. Danford E. Raynor, Jr., optometrist for Academy Eye Center in Biscoe.

Montgomery County Nursing Home Committee

Mr. Matthews explained that Mrs. Betsy Greene who serves on the Council on Aging has requested Ms. Louise McIntyre to serve on the Nursing Home Committee. Mrs. Greene said Ms. McIntyre already visits the Nursing Homes with her church and she believes she would be a good person to be appointed to the committee.

In a motion made by Commissioner Corbett, seconded by Commissioner Morris, and so the motion carried unanimously to appoint Louise McIntyre to serve on the Nursing Home Committee.

Approval of Tax Refunds

Mrs. Vickie Maness was present to present the following tax refunds:

Cynthia Foust – Mobile Home Double Listed	-	\$18.15
Clifton and Teresa Baker – Tax Department had to wait for information from the Department of Transportation to have an accurate amount of land taken.	-	\$65.34

In a motion made by Commissioner Bostic, seconded by Commissioner Knight, and so the motion carried unanimously to approve the above tax refunds.

Budget Amendments/Revisions

County Manager Lee Matthews explained the budget amendments/revisions for the Sheriff’s Department and the Health Department, and said he had an additional one that came in after the agenda packets went out for DSS/Progress Energy. After Mr. Matthews explanation, Chairman Maness asked for a motion.

A motion was made by Commissioner Corbett and was seconded by Commissioner Knight to approve the budget amendments/revisions. Chairman Maness asked if there was any further discussion.

Commissioner Bostic asked about the Sterilization Program at the Health Department, if the clients are given proper counseling.

Nancy Ruppert, Nurse Practitioner for the Health Department was present and she said that clients are counseled about this. She said there is a long waiting list for this. Ms. Ruppert said they are not only counseled at the Health Department, but the provider also counsels them. Their first doctor’s visit is a consultation to discuss the benefits and risks.

The motion to approve the budget amendments/revisions carried unanimously. *(A copy of these and all budget amendments/revisions are on file in the Clerk to the Board’s office).*

Items Carried Forward to the Work Session

Waste Water Rates

A motion was made by Commissioner Morris and seconded by Commissioner Corbett to approve the waste water rates for the lake area sewer project as presented. Chairman Maness asked for further discussion. Commissioner Knight said he would have to be in opposition to this request because he doesn’t feel that it is right for these new sewer customers to have a cheaper rate than those inside of Mt. Gilead.

The motion carried 4-1. (Voting For: Commissioner Morris, Commissioner Corbett, Commissioner Bostic, and Chairman Maness; Voting Against: Commissioner Knight).

NOLF Resolution

In a motion made by Commissioner Bostic, seconded by Commissioner Corbett, and so the motion carried unanimously to approve the following resolution in support of Beaufort and Washington Counties:

**A RESOLUTION
SUPPORTING A SPECIAL SESSION OF THE STATE LEGISLATURE
TO RESTORE STATES RIGHTS AS AFFORDED UNDER THE U.S. CONSTITUTION AND TO OPPOSE AN OUTLYING LANDING FIELD
AT ANY SITE THAT IS UNACCEPTABLE TO THE STATE OF NORTH CAROLINA**

WHEREAS, Assistant Secretary of the Navy Hansford T. Johnson signed a Record of Decision on September 3, 2003, to build an Outlying Landing Field (OLF) on the Washington/Beaufort County line; and

WHEREAS, the Commander in Chief of the U.S. Atlantic Fleet wrote a letter, dated October 30, 2000, indicating the search for an OLF site was predicated precisely because of community concerns about jet noise in the Norfolk, Virginia area, not national defense, operational requirements, needs of the navy, homeland security nor training necessity; and

WHEREAS, the Navy’s strategy to take in excess of 30,000 acres, equaling approximately 50 square miles, of prime farmland surrounding the OLF site, in both counties, by fee-simple transactions or condemnation, will affect an estimated one hundred seventy-one persons and seventy-four households, many who are 4th to 7th generation landowners and farmers; and

WHEREAS, the OLF site is located immediately adjacent to the American Bird Conservancy “globally-Important Bird Area”, the Pocosin Lakes National Wildlife Refuge, home to over 100,000 migratory birds, including snow geese, tundra swan and Canada geese, for six months of every year; and

WHEREAS, the lead scientist, employed by Navy’s own contractor, which conducted the bird study, has come forward in strong opposition to this site as being one of the most dangerous locations in the country for Bird Aircraft Strike Hazards; and

WHEREAS, the U.S. Fish and Wildlife Service “strongly recommended against building an OLF close to a National Wildlife Refuge” and the U.S. Department of the Interior has requested the Navy consider alternative sites to no avail; and

WHEREAS, Executive Order 12898 requires each federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations in the United States; and

WHEREAS, the North Carolina Department of Commerce has determined Washington County to be a Tier I county, having 20.7% of the total population living in poverty and 30.3% of persons under 18 years of age living in poverty, as indicated in the U.S. Census Bureau 1995 County Estimate of Poverty and approximately 50% of Washington County residents are minority; and

WHEREAS, the environmental impacts of an OLF violate Executive Order 12898; and

WHEREAS, Article I, Section 8, Clause 17 of the U.S. Constitution specifies the Federal Government may acquire property within a state for erection of forts, magazines, arsenals, dock-yards, and other needful buildings but can only acquire jurisdiction over that property if both the state and federal governments agree to the transfer; otherwise, United States does not take jurisdiction over the property and can only be a proprietor of the property; and

WHEREAS, N.C.G.S. Sec. 104-7, written in 1907, gave the United States the right to purchase and condemn “land in the State required for the sites for customhouses, courthouses, post offices, arsenals, and other public buildings whatever” and further indicates exclusive jurisdiction will also be given “for any other purposes of the government”; and

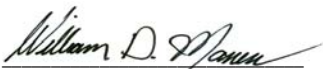
WHEREAS, N.C.G.S. Sec. 104-7 can be repealed or amended to restore state’s rights intended under the U.S. Constitution; and

WHEREAS, Governor Easley opposes this OLF site and any other OLF site which would have such severe negative impacts and which would be unacceptable to the State of North Carolina.


NOW, THEREFORE, BE IT RESOLVED THE MONTGOMERY COUNTY COMMISSIONERS SUPPORT A SPECIAL SESSION OF THE STATE LEGISLATURE TO REPEAL OR AMEND N.C.G.S. 104-7 TO RESTORE STATES RIGHTS AS AFFORDED UNDER THE U.S. CONSTITUTION AND TO OPPOSE AN OUTLYING LANDING FIELD AT ANY SITE THAT IS UNACCEPTABLE TO THE STATE OF NORTH CAROLINA.

Duly adopted this 17th day of February, 2004 at the regular meeting of the Montgomery County Commissioners, North Carolina. Present and voting for 5 and against 0.




William D. Maness, Chairman
Montgomery County
Board of Commissioners

ATTEST:



Laura B. Morton, Clerk to the Board

Chairman Maness reminded Mr. Matthews to write board members a letter reminding them of the upcoming meeting dates that were set.

There being no further business, the meeting was adjourned.


William D. Maness, Chairman




Laura B. Morton, Clerk to the Board